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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,412	11/24/2003	Mike Bowen	200209250-1	5097

22879 7590 10/13/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/720,412	BOWEN ET AL.	
	Examiner	Art Unit	
	Dave A. Ghatt	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 and 40-43 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 21-39 and 44 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Kramer et al. (US 5,046,433). Insofar as structure is recited, Kramer et al. teaches the claimed invention. As shown in Figure 4, Kramer et al. teaches an input tray 26 *for use with* a printer, the input tray comprising, a stationary portion shown generally at 12, a rotatable portion shown generally at 26, rotatably coupled with the stationary portion 12. Kramer et al. also teaches a track 57 partially maintained by each of the stationary portion 12 and the rotatable portion 26. As shown in Figure 4, and as outlined in column 5 lines 12-22, Kramer et al. teaches a length adjuster (pin 59) adapted to be slidably secured to the track 57, by sliding into the track hole 60. The applicant should note that this claim does not require a printer.

3. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shim (US 5,975,520). Insofar as structure is recited, shim teaches the claimed invention. As shown in Figures 1 and 2, Shim teaches an input tray for use with a printer, the input tray comprising, a stationary portion 10, a rotatable portion (20, 30) rotatably coupled with the stationary portion 10. Shim also teaches a track 21 partially *maintained by* each of the stationary portion 10 and

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the rotatable portion (20, 30). As shown in Figure 4, and as outlined in column 5 lines 12-22, Kramer et al. teaches a length adjuster (plug 13) adapted to be slidably secured to the track 21. The applicant should note that the language “maintained by” does not require the track to be a physical element of the stationary portion 10. The track 21 is supported by and on the stationary portion 10, which is all that is required of this language.

With respect to claim 13, as shown in Figures 1 and 2, Shim teaches the rotatable portion (20, 30) having a primary section 20 rotatably coupled with and extending from the stationary portion 10. Shim also teaches an extension section 30 selectively coupled to the primary section 20. As outlined in column 3 lines 42-46, the extension section 30 is adapted to move between a nominal position, in which the rotatable portion (20, 30) extends a first length from the stationary portion, and an extended position, in which the rotatable portion (20, 30) extends a second length from the stationary portion, the second length being greater than the first length.

Allowable Subject Matter

4. Claims 1-11, 21-39, and 44 are allowed.

Claim 29 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, wherein the adjustable length is greater than the first length, and wherein the plurality of positions includes positions other than positions along the first length.

5. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

6. Applicant's amendment and arguments filed July 29, 2005 have been fully considered by the examiner. In view of the amendment to claim 29, the rejections to claims 29-32 have been withdrawn. These claims are now allowed.

The rejections to claims 12 and 13, the rejections have been maintained. With respect to the rejection under the prior art reference Kramer et al. and the requirement for "slidably secured", as stated in the rejection statement, Figure 4 shows, and column 5 lines 12-22 teaches a length adjuster (pin 59) adapted to be slidably secured to the track 57, by sliding into the track hole 60.

With respect to the rejection under the prior art reference Shim, as stated in the rejection statement, the applicant should note that the language "maintained by" does not require the track to be a physical element of the stationary portion 10. The track 21 is supported by and on the stationary portion 10, which is all that is required of this language.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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